

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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UNITED STATES,

Plaintiff,

-v-

CUONG BANG,

Defendant.

19-cr-213 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendant Cuong Bang moves for reconsideration of the Court's order of October 29, 2020, denying his application for modification of the terms of his pretrial release. The motion is granted to the extent set forth below. The defense persuasively notes certain facts to which the Court did not give sufficient weight in its initial decision denying Mr. Bang's motion for a modification of the terms of his pretrial release. Those facts include that Mr. Bang's violations of the terms of his release all occurred within the first three months of his release (and did not involve facts giving rise to concerns for the safety of the community or with respect to risk of flight) and that he has complied with the terms of his release for the last 16 months, successfully completed a residential drug treatment program, and found and kept a job. In addition, the Court has spoken with the Pretrial Services Officers who have supervised Mr. Bang and who support this modification. They are in a position to assess Mr. Bang and his future compliance with the conditions of his release. The change will assist in Mr. Bang's rehabilitation in that it will relieve him of the requirement that he ask Pretrial Services for specific permission each time he needs to work an extra shift at work.

The conditions of pretrial release will be modified to remove the provision requiring home detention and to replace it with a curfew from 10:00 p.m. to 8:00 a.m. to permit the defendant to continue his employment. The Pretrial Services office may impose a curfew of longer duration (*i.e.*, earlier than 10:00 p.m. or later than 8:00 a.m.) in its discretion. This order continues the placement of the defendant in the Location Monitoring Program and the requirement that he abide by all of the requirements of that program, as determined by the pretrial services office. In addition, the defendant shall be permitted to engage in activities other than his employment, only as pre-approved by the pretrial services office.

SO ORDERED.

Dated: November 10, 2020



New York, New York

LEWIS J. LIMAN
United States District Judge